

MORAL AND POLITICAL RIGHTS*

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IN a contribution to the *Indian Philosophical Quarterly*¹ I have developed an emergent theory of value. From that standpoint an attempt is made here to define the nature of moral value and to distinguish moral rights from political rights with a view to bring out the moral basis of political obligation.

The terms 'moral' and 'political' are social concepts. They have a meaning only in a society of rational beings endowed with the capacities of reason, will, and emotion. The members of such a society are self-conscious and interdependent individuals. "Society arises out of the needs of mankind"² and the essential need of man is the company of other men. His nature is utterly incomplete without the stimulative presence and dynamic activity of other individuals who are also realising their purposes. The life of a social being is a life of co-operative adventure in the realisation of a purpose demanded by his nature. It is a process stimulated by his nature, the urge for completeness of one's own being. The life of a reflective individual consists in a search for social unity. The goal of morality may be the same for all men; but the pathways to it are many and various. There may be conflict between individuals, between individuals and groups, between groups themselves and between reason and emotion within the same individual. It is the presence of this conflict that is at the root of what is called morality. Man has need to be 'obliging' to his brother man, if he is to fulfil himself and there must be other individuals who have a need for obligation. It is this sense of obligation that is at the basis of moral life. Obligation is an undeniable fact of social experience. It is the task of the ethical thinker to determine the nature of the highest moral value, which makes life worthy and meaningful. The fundamental question of ethics is, what is the ideal in terms of which human conduct is judged to be right or wrong, good or bad, in short what exactly do we mean by moral value?

* I am indebted to Dr. M. H. Gopal, Mysore University, for many helpful suggestions.

¹ *Proceedings of the Indian Philosophical Congress*, 1938. Also see *Philosophical Quarterly*, Vol. XV, No. 111.

² Plato's *Republic* (Jowett's edition), p. 369, B.

"Value is an emergent—may be a quality or property or an event—springing from the interaction of subject and object in which the subject is aware of the object and aware also of the worth of the experience. Every value has a 'vector character', a forward looking attitude and has the potency to create more value.... It is the light that springs from the interplay of human interests and these human interests are not self-created, but created out of the object; the value that is thus created is absorbed in the stream of life and becomes the basis for the emergence of fresh values."³

Moral value may be distinguished from value in general. The essential condition of moral value is the presence of interacting self-conscious individuals. Animals have minds but there cannot be moral life among them, because we cannot speak of a conscious realisation of purpose in the animal world. Moral value strictly so called is an emergent from the interaction of self-conscious individuals with a will and purpose. It is nothing if it is not normative. There is an imperative urge in every self-conscious individual to do the right and avoid the wrong. It is an urge peculiar to reflective individuals. The essential nature of moral value is to impose an obligation which is discovered in the moral consciousness. Moral value emerges in the co-operative effort of individuals to realise their true being through conflict and co-operation, interaction and integration. The various institutions that man has created are in response to the moral nature of man. The family, the church and the State are the means through which man realises his higher nature. It is man's right as man to realise himself in and through society. It is essentially a claim seeking fulfilment.

We may define a right as a power which contributes to the emergence and enhancement of moral value or goodness. The individual by virtue of his being a possessor of rights is obliged to perform the corresponding duties. Every rational individual by virtue of his being a moral agent is obliged by the law of his being to determine his station in life and perform the duties of his station. This is Bradley's doctrine of "My Station and Its Duties".

This doctrine steers clear of the empty abstractionism of Kant and the blind subjectivity of Hedonism in its various forms. We may consider the doctrine in its relevance to the conception of rights. As we have already seen, right is a power to act in such a manner that it contributes to the common good. It is the right of every individual to realise not the isolated, narrow self, but the inclusive harmonious social self. He can be moral or

³ *Proceedings of the Indian Philosophical Congress*, 1938, pp. 278-79.

⁴ *Ethical Studies*, Essay V.

right only in contributing to the enhancement of goodness in the world. The society can be moral only if its constituent members will the social good. "The community is moral," observes Bradley⁵ "because it realises personal morality; personal morality is moral, because and in so far as it realises the moral whole". While agreeing that the self to be realised is the social self we cannot go on all fours with Bradley in his answer to the question, "How do I get to know in particular what is right and wrong?" According to him it is *intuition*,⁶ and not discursive reasoning, that can decide the issue. It is perception by means of intellectual intuition that can give us a clue to the nature of our rights. But Bradley submits himself to the absolutism of Hegel when he further states that the intuition presupposes the morality of the community as its basis, and is subject to the approval thereof.⁷ If a certain mode of action is to be a right one, it is not enough if it is willed as contributory to social good by the reflective judgment or even the 'intuition' of the individual. It must be in accordance with the system of "morality already existing ready to hand in laws, institutions, social usages, moral opinions and feelings".⁸ He adds that "the person anxious to throw off the yoke of custom and develop his 'individuality' in startling directions, passes as a rule into the common philistine, and learns that philistinism is after all a good thing".⁹ He concludes "that to wish to be better than the world is to be already on the threshold of immorality".¹⁰ This interpretation of moral value is open to criticisms. It is true that the individual is born and bred in a moral environment created by the institutions of social life—the family, the church, and the state which embody ethical ideas and represent the progress achieved in the realisation of the moral value. One must be careful in instituting ideas and ideals or in exercising the rights which one feels absolutely necessary for the realisation of the common good, specially when they happen to run counter to the established moral fact. But it is too much to believe that every deviation from the normal is necessarily 'to be on the threshold of immorality'. Bradley with all his insistence on critical habits of thinking cannot possibly advise the suspension of thought in the field of morals. While he is right in believing that "there is nothing better than my station and its duties, nor anything higher or more truly beautiful," he is doing less than justice to

⁵ *Ethical Studies*, Essay V, p. 188.

⁶ As to the meaning of "intuition", see Bradley's note, *ibid.*, p. 194.

⁷ *Ibid.*, pp. 198-99.

⁸ *Ibid.*, pp. 199-200.

⁹ *Ibid.*, p. 200.

¹⁰ *Ibid.*, p. 199.

himself and to the doctrine by insisting merely on the objective institutions—the family, the church and the state—as the determinants of rights: moral or political. He seems to underestimate the importance of the creative power and freedom of the individual. There is nothing good or bad, right or wrong in the individual in himself nor in the merely objective order in itself. Moral value emerges only in the clash of interests and purposes between the two. A right which contributes to the progressive realisation of the highest moral value is itself a process and never a static product. The objective moral order is after all the expression of the human personality. We certainly cannot blind ourselves to the fact that there are and have been individuals who are morally far ahead of their times and who create the environment necessary for the moral development of society as well as of themselves. The doctrine of “my station and its duties” gains in significance, if it is so interpreted that the power or the right to determine one’s own station and its duties rests with the intelligent individual who has the intuitive¹¹ perception of the objective moral order. It is only then that he is enabled to act not merely in conformity with the existing moral order but also to transform it, when it is found to be unsuited to the emergence of values. Moral life is a teleological process and not a mechanical product.

Such an interpretation of the moral right of the individual to judge for himself in the field of morals implies the abandonment of the Hegelian absolutism. A consideration of Green’s treatment of the doctrine rightly throws more light on the problem.¹² Green does not essentially differ from Bradley in his definition of right. He defines a right as a “power claimed and recognised as contributory to a common good”. It is a “power of which the exercise by the individual or by some body of men is recognised by a society, either as itself directly essential to a common good or as conferred by an authority of which the maintenance is recognised as so essential”.¹³ He states in unequivocal language that “Rights are made by recognition”.¹⁴ Thus according to Green (1) a right is a power necessary to realise the highest moral value and (2) it is dependent for its very existence on recognition. The first may be accepted, while the second is both ambiguous and unacceptable. Is it *recognition* that creates rights? Recognition by whom? If it means recognition by society it is tantamount to agreement with ‘public opinion’. But ‘public opinion’ is as subjective and as much liable to errors

¹¹ In Bradley’s sense. *Lectures on the Principles of Political Obligation*.

¹² *Ibid.*, p. 210.

¹³ *Ibid.*, 113,

¹⁴ *Ibid.*, p. 140.

as individual opinion. It is idle to pretend that what is called 'public opinion' is always in advance of the knowledge and experience of a self-conscious being. If 'recognition' means recognised by a properly constituted governmental authority, the criticism still holds good. Nobody can possibly believe that the Government is always the true interpreter of the highest good.

This tendency in Green to insist on 'recognition' as the differentia of right is traceable to Hegel. For Hegel, the state is an ethical idea and obedience to it is the duty of the individual. A right that is not recognised by the state is *ipso facto* non-existent. Green agrees with Hegel in the view that the right to freedom consists in obedience to the state. But Green's liberal outlook leads him to recognise also the worth of the individual as a bearer of moral value. "Our ultimate standard of worth is an ideal of *personal* worth. We cannot suppose a national spirit and will to exist except as the spirit and will of individuals."¹⁵ The spiritual progress of mankind is an unmeaning phrase unless it means a progress of personal character and *to* personal character—a progress of which feeling, thinking and willing subjects are the agents and sustainers, and realisation of the capacities of such subjects."¹⁶

It is strangely significant that Green who makes 'recognition' the differentia of right should be speaking not merely of the right but of the duty of the citizen to resistance. "No one presumably would deny that under certain conditions there might be a duty of resistance to sovereign power."¹⁷ He speaks of "rights which remain rights though any particular state or all states refuse to recognise them."¹⁸ He is torn between the authority of the state born of German idealism and his own conviction of the *worth* of the individual.

But the problem remains: What is the basis of political obligation? Who is the true interpreter of the highest moral value, the individual or the state? An indication of an answer to this question might be found in the emergent theory of moral value. As we have seen moral value emerges in the interplay of human interests. Every individual is purposive in nature. He is always seeking to realise the highest good, the intrinsic moral value. Right is a power possessed by individuals to realise the good. Right emerges explicitly when the individual attempts to realise his rational self

¹⁵ *Prolegomena to Ethics*, p. 210.

¹⁶ *Ibid.*, p. 212.

¹⁷ *Political Obligations*, p. 116.

¹⁸ *Ibid.*, p. 145.

in and through the social environment constituted by such institutions as the family, church and state. The defect of absolutism lies in regarding the highest good as something static, as something expressed in the institution of the state once and for all. Neither the state nor the individual is to be regarded as the final interpreter of the true nature of the good. The good must emerge through interaction and integration of moral agents. Moral life is a process, not a product, since the good itself is in process of actualisation. The individual and the state are to be treated as the different expressions of goodness in the world. Hence any question regarding the reciprocal relation of rights and obligations can only be answered with reference to actual conditions depending on the individual and the environment, moral as well as non-moral. There can be no general rules to be applied in every case. But we can have a suggestion for guidance. If by deliberation on the basis of all the facts, the individual comes to have a knowledge that he will be producing more moral value in the world, he has not merely a right but a duty to disobey the state. But this right is validated and moral value actually emerges by the individual's altercation with the state. The individual is under a moral obligation to obey the good and enjoys his freedom in doing it. He is not under an obligation to obey the state irrespective of its goodness or badness. Rights of the individual and the duties of the state and *vice versa* are to be regarded as the two aspects of the intrinsic Good of human life which is in the process of actualisation.